

Notice of Allowability

Application No.

10/807,667

Examiner

B. Clayton McCraw

Applicant(s)

CHEE ET AL.

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/2006.
2. ☒ The allowed claim(s) is/are 2-5,7 and 9-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

Allowable Subject Matter

1. Claims 2-5, 7, and 9-20 are allowed.
2. The following is an examiner's statement of reasons for allowance: As per claim 2, the prior art fails to teach the combination of an air conditioning unit comprising a fan for moving air from the inlet to the outlet, an air to air heat exchanger diverting air moving from an inlet to form an outlet stream of cooled air, a vapor compression system having an evaporator coil, a condenser coil, a control system that determines the temperature of the room and controls the operation to operate only the air to air heat exchanger when the air temperature is below a pre-determined level and operates both air to air heat exchanger and vapor compression type cooling system when the room air temperature is above a predetermined level, wherein a first air inlet receives outside air and a second air inlet receives air from the conditioned space, and the two inlets mix prior to entering the air to air heat exchanger. As per claim 7, the prior art fails to teach the combination of an air conditioning unit comprising a fan for moving air from the inlet to the outlet, an air to air heat exchanger diverting air moving from an inlet to form an outlet stream of cooled air, a vapor compression system having an evaporator coil, a condenser coil, a control system that determines the temperature of the room and controls the operation to operate only the air to air heat exchanger when the air temperature is below a pre-determined level and operates both air to air heat exchanger

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and vapor compression type cooling system when the room air temperature is above a predetermined level, and a condensate collector on the evaporator coil that drains into the water tank. As per claim 9, the prior art fails to teach the combination of an air conditioning unit comprising a fan for moving air from the inlet to the outlet, an air to air heat exchanger diverting air moving from an inlet to form an outlet stream of cooled air, a vapor compression system having an evaporator coil, a condenser coil, a control system that determines the temperature of the room and controls the operation to operate only the air to air heat exchanger when the air temperature is below a predetermined level and operates both air to air heat exchanger and vapor compression type cooling system when the room air temperature is above a predetermined level, and a secondary water supply that directs water from the water tank to the top of a wicking member to provide a flushing flow down each wicking member. As per claim 10, the prior art fails to teach an air to air heat changer having a plurality of first channels, each being defined by a respective pair of adjacent walls having first and second opposite ends respectively defining first and second openings through which air flows, a plurality of second channels, each of the second channels being closed at a first end adjacent to the first channel openings and open at their second end, wherein each of the second channels are formed between the walls of a pair of adjacent ones of said first channels, and evaporative cooling means in each of the second channels wherein a portion of the air flow exiting the first channels is diverted into second channels to be cooled by evaporative cooling means.

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Clayton McCraw whose telephone number is (571) 272-3665. The examiner can normally be reached on M-F 8:30AM-5:00PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BCM
4/12/2006



MARC NORMAN
PRIMARY EXAMINER